

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 315

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

AN ACT

RELATING TO HEALTH FACILITIES; PROVIDING FOR OVERSIGHT OF
HOSPITALS, LONG-TERM CARE FACILITIES AND PRIMARY CARE CLINICS
BY THE SECRETARY OF HEALTH; ENACTING A NEW SECTION OF THE
PUBLIC HEALTH ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 24-1-1 NMSA 1978 (being Laws 1973,
Chapter 359, Section 1) is amended to read:

"24-1-1. SHORT TITLE. -- ~~[Sections 1 through 22 of this
act]~~ Chapter 24, Article 1 NMSA 1978 may be cited as the
"Public Health Act". "

Section 2. A new section of the Public Health Act is
enacted to read:

"[NEW MATERIAL] CONDITIONS OF LICENSURE. --

A. A hospital, a long-term care facility or a

1 primary care clinic, as a condition of licensure, shall provide
2 information sufficient for the secretary to make a reasonable
3 assessment based on clear and convincing evidence of its
4 financial viability, sustainability and potential impact on
5 health care access. Information provided to the secretary
6 pursuant to this section shall remain confidential, is exempt
7 from the Inspection of Public Records Act and shall not be used
8 as a basis for suspension, revocation or issuance of a license.
9 The hospital, long-term care facility or primary care clinic
10 shall provide this information to the secretary at least sixty
11 days before the anticipated effective date of a proposed
12 licensure, closure, disposition or acquisition of the hospital,
13 the long-term care facility or the primary care clinic or its
14 essential services required as a condition of licensure.

15 B. The secretary shall issue a notice of finding to
16 the facility within sixty days of receiving information from
17 the facility.

18 C. For the purposes of this section:

19 (1) "hospital" means a facility providing
20 emergency or urgent care, inpatient medical care and nursing
21 care for acute illness, injury, surgery or obstetrics.

22 "Hospital" includes a facility licensed by the department as a
23 critical access hospital, general hospital, long-term acute
24 care hospital, psychiatric hospital, rehabilitation hospital,
25 limited services hospital and special hospital;

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